

### **REMARKS**

This Amendment and Reply seeks to place this application in condition for allowance. The claims have been amended to more fully claim certain of the inventions, and/or to more definitely set forth the features of certain of the inventions. Notably, independent claim 10 was amended to include the limitation of dependent claim 14. No new matter has been added. Moreover, none of the amendments were motivated by patentability considerations in view of the prior art, including the art relied on in the outstanding Office Action.

In addition, new claims have been added to more fully protect the inventions described and illustrated in the application. These claims are fully supported by the application as filed. (See, for example, page 12, line 7 to page 13, line 2, page 14, lines 12-20, and Figure 7). No new matter has been added. Notably, should there be any question as to support for these amendments and/or new, the Examiner is respectfully requested to contact the undersigned.

### **Office Action of December 11, 2006**

In the Office Action, the Examiner acknowledged that all of the priority documents have been received and that priority is appropriate. Further, the Draftsperson objected to certain of the drawings. In addition, the Examiner, among other things, rejected all of the claims. All of the objection and rejections raised in the Office Action of December 11, 2006 (hereinafter the "Office Action") are addressed in detail below.

### **Objections to the Drawings -- Notice of Draftsperson's Review**

Applicant has addressed the concerns raised by the Draftsperson in the Notice attached to the Office Action. In particular, there are (i) no copy machine marks (paragraph 3), the margins have been corrected (paragraph 5), (ii) sectional views are

clearly noted (paragraph 7), (iii) the lines, numbers and letters are of uniform thickness and are well defined (paragraph 10), (iv) the numbers and reference characters are clear and legible (paragraph 12), (v) Figure 5 is clearly labeled "Fig. 5", and (vi) the circle around the reference character has been eliminated (See, Figure 5, Comments). No new matter has been added.

In accordance with Rule 1.121(d), the attached amended drawings include the requisite label "Replacement Sheet" in the header.

### **Rejection of the Claims under 35 USC §103**

Significant to this response, in the Office Action, claim 14 was rejected as being unpatentable over Sulz (DE 20102051, hereinafter "Sulz") in view of Danish Patent DK 97 00453 (hereinafter "the Danish Patent") and in view of Kuhn et al. (U.S. Patent 4,017,698, hereinafter "Kuhn"). This rejection is addressed in detail below.

Notably, the reasons set forth below are *not* the only reasons the inventions of the independent claims are patentable over the art of record, whether taken alone or in combination. As such, no inference or conclusion should be drawn that Applicant's response to this rejection is exhaustive; rather, for the sake of brevity, the remarks focus on only some of the patentable aspects or features of the independent claims.

### **Sulz**

To the extent understood, Sulz describes a wind power installation having a foundation 26, a pylon 25, and a generator 24. The Sulz windpower installation further includes a container 17 having a hydraulic motor 23 and a generator 24. The container 17 is fixed to the foundation and inside the pylon. Moreover, the container 17 may be used to accommodate a transformer.

### **The Danish Patent**

The Danish Patent describes a wind power installation having a foundation and a pylon affixed on the foundation. The installation further includes a transformer module that, in one embodiment, is disposed on the foundation and within the pylon, and in another embodiment, is located adjacent to and outside the pylon. (See, Figures 3 and 4). Notably, the Danish Patent states that the installation may be disposed on-shore as well as off-shore. (See, Figures 3 and 4, and page 4, lines 16-21).

### **Kuhn**

Kuhn describes a circuit breaker or interrupter including a steel enclosure and a door which is secured to the enclosure via hinged fasteners. (See, Col. 3, lines 51-56). A control handle extends through the door and serves to manually operate the circuit breaker or interrupter. (Id.). A gasket is mounted on the interior of the surface of the door to form a water-tight seal against the edge of the enclosure and the door when the door is closed and fastened. (See, Col. 4, lines 15-19).

### **Claimed Inventions**

There are many inventions described in the instant application. In an effort to present a more concise response, the discussion below will focus on only certain aspects or features. As mentioned above, this response is not exhaustive; for the sake of brevity, these remarks focus on only some of the patentable features of the independent claims.

#### **Independent Claim 10**

Briefly, independent claim 10, as amended, describes a wind power installation having a pylon based on a foundation and having a diameter in a foundation region, a generator, and a power module having a plurality of electrical devices and a

support. The plurality of electrical devices include at least one transformer to transform electrical energy provided by the generator to higher voltage, and electrical devices by means of which electrical energy produced by the generator is controlled and/or supplied and/or converted. The support is placed on the foundation and accommodates the plurality of electrical devices, the power module further having a width and/or length less than the diameter of the pylon in the foundation region.

The wind power installation further includes a container, which accommodates the power module, including a wall disposed between the power module and a wall of the pylon, wherein the container includes means for water-tight closure thereof.

**Sulz, The Danish Patent and Kuhn, in combination, Do Not  
Render Obvious the Claimed Inventions**

Simply put, there is no teaching, suggestion and/or motivation to combine Sulz and/or the Danish Patent with selected features of Kuhn. Sulz and the Danish Patent describe wind power installations -- however, nowhere does either describe a power module (including a transformer) that is disposed in a container, within the pylon, wherein the container includes means for water-tight closure of the power module. Indeed, the Danish Patent contemplates deployment of the windpower installation off-shore and yet there is no mention of a container, which accommodates the power module, including a wall disposed between the power module and a wall of the pylon, wherein the container includes means for water-tight closure thereof.

It is Applicant's position that it is counter-intuitive to include a container, disposed in the pylon (which itself protects the contents from the elements/weather), to accommodate the power module, wherein the container includes means for water-tight closure thereof. In this regard, where the transformer is disposed in the pylon, the pylon itself provides

protection from the elements/weather. There is no teaching, suggestion or motivation (in the prior art) to provide a transformer within a water-tight enclosure within the water-tight enclosure of the pylon -- as set forth in amended claim 14.

Although Kuhn describes a circuit breaker or interrupter having a water-tight enclosure when the door is closed and fastened, one skilled in the art at the time of the invention would neither combine nor be motivated to combine the water-tight enclosure of Kuhn with the windpower installation of Sulz and/or the Danish Patent, in the manner described in the amended claims. Kuhn is directed to a very different application to address a very different issue. The Office Action states that it would be obvious to combine the windpower installation of Sulz and the Danish Patent and modify that combination to include a "water-tight container for the purpose of providing a safe and reliable power network ...." (Office Action, page 6). However, Sulz and the Danish Patent are not directed to a power network or providing a safe and reliable power network.<sup>1</sup> As noted above, both Sulz and the Danish Patent are directed to windpower installations - not a power network, circuit breaker or circuit interrupter.

Notably, there is no teaching or suggestion in any of the prior art that the windpower installation of Sulz and the Danish Patent are neither safe nor reliable. Moreover, there is

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<sup>1</sup> The Office Action combines a selected feature of Kuhn without consideration of the fact that Kuhn is directed to a very different application to address a very different issue. Indeed, the Office Action presents no evidence of motivation to combine such selected features.

The Examiner's assertions are not evidence, and without evidence to demonstrate that the prior art suggests the modification(s) and combination(s) being proposed by the Action, there is no prima facie case of obviousness. (See MPEP 2143). Indeed, in view of the current record, such combinations are nothing more than hindsight reconstruction using the Applicant's disclosure as a template for the combination and the motivation therefor.

no teaching or suggestion that including the transformer of a windpower installation in a water-tight container within the water-tight enclosure (i.e., the pylon) provides additional safety or reliability for the windpower installation.

Indeed, the combination proposed by the Office Action introduces additional costs as well as complex technical issues such as thermal management of the transformer during operation. In this regard, modifying the Sulz and the Danish Patent combination to include a transformer in a water-tight container, as proposed in the Office Action, presents issues concerning safe and reliable operation of the transformer since, without more, the heat within the water-tight container may detrimentally impact, among other things, the reliability of the transformer. Here, the ambient atmosphere within the container is significantly limited thereby limiting the ability to properly manage the temperature of the transformer which is confined in a water-tight container. Thus, not only would one skilled in the art not combine or be motivated (at the time of the invention) to combine certain selected features of Kuhn with the windpower installation of Sulz and/or the Danish Patent -- doing so presents significant technical challenges.

Thus, for at least one or more of the reasons set forth above, teaching, suggestion and/or motivation to combine Sulz and/or the Danish Patent with Kuhn.

### **Dependent Claims**

Except as set forth below, for the sake of brevity, this response neither presents the additional reasons/bases that the dependent claims are patentable over the combination of Sulz, the Danish Patent and Kuhn. However, for at least the reasons stated above, is respectfully submitted that the dependent claims are patentable.

### **Information Disclosure Statements**

The Examiner has raised an issue with respect to the completeness of Applicant's Second Information Disclosure Statement ("IDS"), filed on February 14, 2006, and Applicant's Third IDS filed on July 20, 2006. The Applicant has presented the non-patent materials to the USPTO with the submission of the IDS. The undersigned is unable to determine from USPTO's PAIR database the Examiner's difficulties/issues with considering certain of the materials (i.e., those entries that have been cross-out). This notwithstanding, the undersigned appreciates the Examiner's review of the art presented in the Information Disclosure Statements (IDS) submitted to date.

### **Third Information Disclosure Statement**

Applicant has submitted, in a separate correspondence filed on March 5, 2007, a Third IDS. A copy of the Third IDS (including Form PTO-1449) is attached hereto. It is respectfully requested that the Examiner make his consideration of the reference identified in the Third IDS formally of record with the next action.

### **Fourth Information Disclosure Statement**

Applicant has also submitted, in a separate correspondence filed on May 6, 2007, a Fourth IDS. A copy of the Fourth IDS (including Form PTO-1449) is attached hereto. It is respectfully requested that the Examiner make his consideration of the reference identified in the Fourth IDS formally of record with the next action.

### **CONCLUSION**

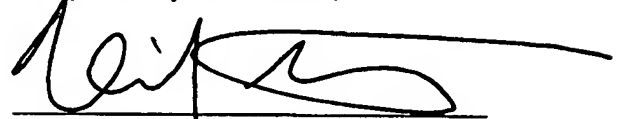
Applicant respectfully requests entry of the foregoing amendments and reconsideration of the application. Applicant submits that all of the pending claims present

patentable subject matter. Accordingly, allowance of all of the claims is respectfully requested.

It is noted that should a telephone interview expedite the prosecution of this application in any way, the Examiner is invited to contact the undersigned at the telephone number identified below.

Date: June 8, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Neil A. Steinberg', with a long horizontal flourish extending to the right.

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